

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – LAW DIVISION**

EVGENIY CHERNOV AND EVGENIA)	
CHERNOVA as Special Administrators of)	
the Estate of DMITRY CHERNOV,)	
Deceased,)	
)	
Petitioners,)	
)	No. 2016 L 003683
v.)	
)	
THE BOEING COMPANY,)	
)	
Respondent.)	

MEMORANDUM ORDER AND OPINION

After conducting an evidentiary hearing and reviewing the petitions, motions, orders, and other submitted documents, as well as the relevant case law, the Court finds as follows on the matter of Defendant counsel's petition for fees and costs pursuant to Illinois Supreme Court Rule 219 discovery sanctions:

BACKGROUND

The underlying matter arises out of Petitioner counsel's improper filing of a discovery petition pursuant to Illinois Supreme Court Rule 224. On March 19, 2016, Flydubai Flight 981 crashed in Rostov-on-Don, Russia. On April 12, 2016, Ribbeck Law Chartered ("Ribbeck") filed a Rule 224 petition against the Boeing Company on behalf of its clients, the Chernovs, whose son had been on board the flight. The Rule 224 petition stated that the plane at issue had been manufactured

by Boeing and operated by Flydubai. The plane fell from a height of 4,000 feet after making two previous landing attempts. The petition further reads:

Petitioners reasonably believe they have a viable cause of action against certain entities for damages arising from DMITRY CHERNOV's death in said occurrence, and proximately caused by the negligence of unknown individuals and entities in the training of 737-800 Boeing pilots, design, manufacture, ownership, operation, lease, repair and maintenance of the subject Boeing 737-8KN aircraft and its component parts, among possible other causes of this occurrence.

The petition was filed less than one month after the accident, and in the nascent stages of the official investigation into the crash. It was signed by Ribbeck attorney John M. Vick.

Boeing filed a motion to dismiss the petition under 735 ILCS 5/2-615, as well as a motion for sanctions against Ribbeck and Vick pursuant to Ill. Sup. Ct. R. 137. In its motion for sanctions, Boeing argued that Ribbeck has an established practice of repeatedly abusing the Rule 224 discovery tool for the purpose of garnering publicity to attract clients in high-profile aviation accident cases. In support of its position, it referred to Ribbeck's website and YouTube page, where Ribbeck attorneys discussed lawsuits that had never actually been filed in connection with the airplane crashes for which Ribbeck filed Rule 224 petitions. Ribbeck attorneys also made statements about how much money they were hoping to obtain for their clients, despite the fact that there is no monetary reward available under a Rule 224 petition.

In addition to conflating discovery petitions with the filing of a lawsuit, Ribbeck abused Rule 224 by filing petitions where it already knew the identities of

potential defendants. In the present matter, it knew of the manufacturer and operator of the plane before filing the petition. Boeing argued that this cut off Ribbeck's ability to rely on the discovery tool, as it is meant "for the sole purpose of ascertaining the identity of one who may be responsible in damages." Ill. Sup. Ct., R. 224(a)(i). Boeing attached five other Rule 224 petitions that Ribbeck had filed against it in other aviation cases from 2013 through 2016; none of the petitions were ever formally served by process upon Boeing, and all were either voluntarily dismissed or dismissed by the court. In each of these cases, Ribbeck was aware of the identities of at least two parties that might be liable for damages. Ribbeck had also previously been warned by the Honorable Kathy Flanagan that if it continued this practice of filing Rule 224 petitions where it already knew of potential defendants, it would face sanctions. Additionally, the First District Appellate Court commented on Ribbeck's actions in an unpublished opinion, stating that it found no objection with the trial court's warning that Ribbeck could face sanctions for its conduct. *Fatt v. Boeing Co.*, 2014 IL App (1st) 141108-U, *P18.

This court ruled on the matter on November 4, 2016, granting Respondent's motion for sanctions in the form of attorney's fees against Ribbeck for its abuse of the discovery procedures available under Rule 224. The court also ordered sanctions in the form of attorney's fees against Ribbeck attorney John M. Vick for signing the discovery petition. Respondent's counsel, Perkins Coie LLP, filed its fee petition on November 23, 2016, and a supplemental petition on January 20, 2017. The initial fee petition seeks to recover \$126,197.77 for the work of the three

primary attorneys who worked on the dismissal of the Rule 224 petition and sanctions against Ribbeck. These attorneys are: Perkins Coie partner Patrick Collins, who claims a billing rate of \$745.75 per hour and 43 hours spent on this matter; Perkin Coie partner Bates McIntyre Larson, who claims a billing rate of \$593.75 per hour and 108.9 hours spent on this matter; and Perkins Coie counsel Kathleen Stetsko, who claims a billing rate of \$503.50 per hour and 48.5 hours spent on this matter. The supplemental fee petition requested additional attorney's fees for time spent preparing the original fee petition and for the expected expenses of preparing for and attending the evidentiary hearing on the matter of attorney's fees. This petition seeks an additional \$24,640.71 for the work of the same three attorneys. This court held an evidentiary hearing on February 28, 2017. After considering the entirety of the record, Respondent counsel's fee petitions and affidavits, Ribbeck's responses, and the testimony presented at the hearing, this court now addresses Respondent's petition for attorney's fees.

COURT'S ANALYSIS

Generally, parties are responsible for paying their own attorney's fees. *Jordan v. Bangloria*, 2011 IL App (1st) 103506, *P19. However, under Illinois Supreme Court Rule 219(c), the trial court may award reasonable attorney's fees and expenses as sanctions when a party's misconduct causes another party to incur fees. *Id.*; Ill. Sup. Ct. R. 219(c). The Rule allows for the imposition of sanctions proportionate to the offense, where a party unreasonably fails to comply with the discovery rules or trial court order. Unreasonable noncompliance is defined as a

“deliberate, contumacious, or unwarranted disregard” of the court’s authority or the discovery rules. *Jones v. Chi. Cycle Ctr.*, 391 Ill. App. 3d 101, 111-12 (1st Dist. 2009). It can also be gauged by the importance of the information that has not been disclosed. *Shimanovsky v. General Motors Corp.*, 648 N.E.2d 91, 95 (1st Dist. 1998). Rule 219(c) limits an award of attorney’s fees to only those expenses relating to the sanctioned party’s specific misconduct. *Jordan*, 2011 IL App (1st) at *P19; Ill. Sup. Ct. R. 219(c).

One of the leading Illinois Appellate Court cases regarding the issue of the appropriate calculation of attorney fees is *Kaiser v. MEPC*, 164 Ill. App. 3d 978 (1st Dist. 1987). The *Kaiser* court describes the steps this Court must undertake and the successful steps a successful petitioner must meet to recover attorney fees. First, the *Kaiser* court held that in all cases only those fees which are reasonable will be allowed. *Kaiser*, 164 Ill. App. 3d at 983 (citing *Fiorito v. Jones*, 72 Ill. 2d 73 (1978)) (emphasis added). The determination of reasonable attorney fees is left to the sound discretion of the trial court. *Id* at 983. Second, the party seeking the fees, whether for himself or on behalf of the client, always bears the burden of presenting sufficient evidence from which the trial court can render a decision as to their reasonableness. *Id*. Third, an appropriate fee consists of reasonable charges for reasonable services. *Id* at 983 (citing *In re Estate of Healy*, 137 Ill. App. 3d 406 (1987)). Fourth, a fee petition must present more than a mere compilation of hours multiplied by a fixed hourly rate or bills issued to the client. *Id* at 984 (citing *In re The Marriage of Angiuli*, 134 Ill. App. 3d 417 (1985)). Finally, a petition for fees

must specify the services performed, who performed the services, the time expended thereon, and the hourly rate charged. *Id* at 984 (citing Fiorito, 72 Ill. 2d at 73).

Because of the importance of these factors, it is incumbent upon the petitioner to present *detailed* records maintained during the course of the litigation. *Id* at 984 (citing *Flynn v. Kucharski*, 59 Ill. 2d 61 (1974)) (emphasis added).

Once presented with the facts stated above, the *Kaiser* court also held that the trial court should consider a variety of additional factors such as the skill and standing of the attorneys, the nature of the case, the novelty and/or difficulty of the issues and work involved, the importance of the matter, the degree of responsibility required, the usual and customary charges for comparable services, the benefit to the client, and whether there is a reasonable connection between the fees and the amount involved in the litigation. *Id* at 984 (citing *In re Estate of Healy and Ashby v. Price*, 112 Ill. App. 3d 114 (1983)).

REVIEW OF RESPONDENT'S FEE PETITION

Pursuant to the court's November 4, 2016 order granting Respondent's motion for sanctions, Respondent filed a fee petition, supplemental fee petition, and four affidavits in support of attorney's fees relating to and stemming from responding to Ribbeck's improper Rule 224 petition. Three affidavits come from the primary attorneys that Perkins Coie claims worked on this matter; they lay out their legal experience, their history working for Perkins Coie, the specific work they did regarding the Rule 224 petition and subsequent sanctions motion, and their billing rates and recordkeeping practices. Patrick Collins claims a billing rate of

\$745.75 per hour on this matter. Bates McIntyre Larson claims a billing rate of \$593.75 per hour on this matter. Kathleen Stetsko claims a billing rate of \$503.50 per hour on this matter. The attorneys also provide portions of their billing invoices and time logs. Finally, Respondent includes the affidavit of Perkins Coie billing supervisor Karen Curtis, who describes the firm's billing practices and timekeeping system, and verified the aforementioned invoices. The total amount Perkins Coie claims is \$150,838.48.

Using the above-cited cases and law as a guide, this court has reviewed the entire fees and costs petition on a line-by-line basis. This court has listed the expenses presented in the chart attached to Respondent's petition below. The attorneys involved clearly have substantial knowledge and experience in their field, and undoubtedly provided a valuable service to their client. However, their claimed hourly rates across the entire range of work performed on this matter and its value to this court is better represented by a rate of \$500 for Larson and Stetsko, and \$700 for Collins to reflect his experience and role in the matter. These are the rates this court used in calculating the amount of fees allowed, with one exception—where Ribbeck noted that it did not dispute a charge, the court keeps it as presented, using the rates Respondent provided. The court makes the following findings for each expense claimed:

Boeing's Petition for Attorney's Fees

Item	Hours Sought	Allowed	Comments	Rate Allowed	Fee Total
1. 04/12/16 – Larson Review media report regarding petition for discovery	0.10	0	Insufficiently related to sanctionable conduct	N/A	\$0
2. 04/14/16 – Larson Review petition for discovery (.5); conferences re: same (.6); research re: Ribbeck disciplinary proceedings (.4); conferences re: procedural options for response to petition (.5)	2.00	1.00	Allowed for review of petition and discussing response; other items are vague and lack sufficient detail to show relevance and time required	\$500	\$500
3. 04/15/16 – Larson Conferences re: response to petition for discovery (1) & substitution of judge (.5)	1.50	1.00	Substitution of judge is insufficiently related to sanctionable conduct	\$500	\$500
4. 04/15/16 – Stetsko Conference re: discovery petition (.5); prepare analysis and strategy re: response re: same (1.1); review correspondence (.3)	1.90	1.00	Conference is covered in Item 3. Reviewing correspondence is vague and unsubstantiated.	\$500	\$500
5. 04/18/16 – Stetsko Draft motion to dismiss petition for discovery	4.70	3.00	Time requested is excessive.	\$500	\$1,500
6. 04/19/16 – Larson Revise motion to dismiss (1.2); conference regarding same (.4)	1.60	1.00	Excessive; conference is vague.	\$500	\$500
7. 04/20/16 – Collins Revise brief re: sanctions (.3); exchange correspondence re: same (.2)	0.50	0	Duplicative of above, and correspondence is vague and insufficiently related.	N/A	\$0
8. 04/20/16 – Stetsko Revise motion to dismiss (2.1);	4.60	2.00	Conference is insufficiently related to sanctionable conduct.	\$500	\$1,000

conference re: same (2.5)			Revisions are excessive and duplicative of Item 6. 2 hours allowed for total.		
9. 04/22/16 – Stetsko Prepare motion to dismiss & sanctions (2.1); conference re: same (1.2)	3.30	2.00	2 hours allowed for preparing motion; conference is vague and relevance to sanctionable conduct unexplained.	\$500	\$1,000
10. 04/27/16 – Collins Prepare for court hearing	0.60	0.60	Uncontested.	\$745.75	\$447.45
11. 04/27/16 – Larson Draft correspondence to Ribbeck re: service address (.2); conference re: prep for hearing on motion for substit. of judge & sanctions (.2)	0.40	0	Obtaining service address and seeking substitution of judge are insufficiently related to sanctionable conduct.	N/A	\$0
12. 04/28/16 – Collins Prep for & attend hearing on motion to dismiss & sanctions (1.3); exchange correspondence re: same (.2)	1.50	1.00	1 hour allowed for preparation & hearing; more is duplicative of above entries re: motion to dismiss & for sanctions. Correspondence claim is excessive.	\$700	\$700
13. 04/28/16 – Larson Prep & attend hearing on motion to dismiss & sanctions (1.5); draft summary of hearing (.3); conference re: same (.3); review reassignment order (.1); conferences re: same (.9)	3.20	1.50	Duplicative of Item 12. Conferences are vague and duplicative of above. Reviewing reassignment order is irrelevant to sanctionable conduct. 1.5 hours allowed for the hearing and drafting summary.	\$500	\$750
14. 05/05/16 – Larson Conference re: motion to dismiss & sanctions (.1); coordinate service to Ribbeck re: same (.1)	0.20	0.20	Uncontested.	\$593.75	\$118.75
15. 05/09/16 – Collins Prepare & participate in hearing on motion to dismiss & for sanctions	2.20	2.00	Excessive; there was no hearing, only presentation of motion.	\$700	\$1,400
16. 05/09/16 – Larson Prepare for hearing on	2.10	1.00	Conference is vague. Entry is duplicative of	\$500	\$500

motion to dismiss & sanctions (.5); attend same (1.3); conference re: same (.3)			Item 15. Ho hearing was held. 1 hour allowed for preparation.		
17. 06/01/16 – Larson Review Ribbeck's response to motion (.5); research re: same (1.9); conference re: same (.6)	3.00	2.00	Research and conference are broad and vague; 2 hours allowed for review and relevant research.	\$500	\$1,000
18. 06/02/16 – Larson Review response (.5); research re: same (.8)	1.30	0.50	Duplicative of Item 17. Full time will not be allowed.	\$500	\$250
19. 06/03/16 – Larson Research re: cases cited in response (3.1); phone conference with ARDC re: status of Kelly matter (.2); conference re: same (.1); research re: reply to motion (3.2)	6.60	4.00	Conference is vague. Duplicative charges for research. 4 hours allowed for research and ARDC call.	\$500	\$2,000
20. 06/04/16 – Larson Draft reply re: motion to dismiss & sanctions (5.7); conference re: same (.2)	5.90	4.00	Excessive time charged for reply; conference is vague. 4 hours allowed for conference.	\$500	\$2,000
21. 06/08/16 – Larson Phone conference w/Boeing Legal re: reply brief (.5); conference re: same (.3); revise reply (2.7)	3.50	1.50	Conference is vague. Excessive time for revisions. Phone conference allowed; 1 hour allowed for revisions.	\$500	\$750
22. 06/09/16 – Collins Revise reply brief (.5); exchange correspondence re: same (.2)	0.70	0.50	Conference is vague.	\$700	\$350
23. 06/09/16 – Larson Revise reply (.7); conferences re: same (1); exchange correspondence w/Boeing Legal re: same (.4)	2.10	0.50	Conference and correspondences are vague. Length of revision is excessive and duplicative of Items 21 and 22. Half an hour allowed for revision.	\$500	\$250
24. 06/17/16 – Larson Review docket of Russian discovery petition	0.20	0.20	Uncontested.	\$593.75	\$118.75

25. 06/22/16 – Stetsko Draft talking points for hearing on motion to dismiss & sanctions	2.60	1.50	Excessive time claimed.	\$500	\$750
26. 06/23/16 – Collins Review talking points re: motion (.6); phone conference & exchange correspondence re: hearing (1.1)	1.70	1.00	Review of talking points is duplicative and excessive.	\$700	\$700
27. 06/23/16 – Larson Review briefing & talking points (.7); conferences re: prep & strategy for hearing (1)	1.70	1.00	Review is duplicative of Item 26; 1 hour allowed for both tasks listed.	\$500	\$500
28. 06/25/16 – Collins Review talking points & briefs in prep for hearing on motion to dismiss	1.00	0	Excessive and duplicative of Items 26, 27, and 29	N/A	\$0
29. 06/26/16 – Collins Prepare for hearing on motion	2.50	1.00	Excessive time claimed; duplicative of Item 28.	\$700	\$700
30. 06/26/16 – Larson Conference re: prep for hearing	0.70	0	Vague and excessive; duplicative of Items 26-29.	N/A	\$0
31. 06/27/16 – Collins Prep & participate in hearing on motion (3.3); conference re: same (.5)	3.80	2.00	Conference is vague. Preparation is duplicative of Items 28 and 29. 2 hours allowed for hearing.	\$700	\$1,400
32. 06/27/16 – Larson Prep for hearing on motion (1.5); attend hearing (1.7); conference re: same (1.1)	4.30	2.00	Duplicative of Item 31; see above. 2 hours allowed for hearing on motion to dismiss. Sanctions motion amended.	\$700	\$1,400
33. 06/29/16 – Collins Review hearing transcript	0.50	0.50	Uncontested.	\$745.75	\$372.88
34. 06/30/16 – Larson Review hearing transcript (.2); research re: Ribbeck court filings (1.6); conference re: same (.5)	2.30	0.50	Conference is vague. Review transcript is duplicative of Item 33 and researching Ribbeck Law's filings is excessive.	\$500	\$250
35. 07/06/16 – Collins Exchange	0	0	Withdrawn by Respondent's Counsel.	N/A	\$0

correspondence re: pending motion to dismiss					
36. 07/12/16 – Collins Prepare for sanctions hearing	0.60	0	Duplicative of Items 37 and 38.	N/A	\$0
37. 07/13/16 – Collins Prepare for & attend hearing on motion to dismiss & sanctions	2.50	2.50	Uncontested.	\$745.75	\$1864.38
38. 07/13/16 – Larson Prep & attend hearing on motion to dismiss & sanctions (1.8); conferences re: same & case strategy (2.1)	3.90	2.50	Duplicative of Items 36 and 37. 2.5 hours allowed for case strategy and hearing.	\$500	\$1,500
39. 07/14/16 – Collins Conference re: sanctions motion	0.50	0	Withdrawn by Respondent's Counsel.	N/A	\$0
40. 07/14/16 – Larson Conference re: hearing & strategy for sanctions (1); review research needed for amended sanctions motion (.5); conferences re: same (1)	2.50	1.00	Conferences are vague and repetitive; review of research is vague. 1 hour allowed for conferences and research.	\$500	\$500
41. 07/14/17 – Stetsko Research re: motions for sanctions	0.80	0	Duplicative of Items 42 and 43.	N/A	\$0
42. 07/15/16 – Larson Research re: amended sanctions motion (3.9); research re: Ribbeck's petitions for discovery & press reports (1.9); draft summary of press statements (.8); research re: availability of sanctions against law firm vs. individual (1.1); conferences re: same (.8)	8.50	4.50	Conferences are vague. Drafting summary redundant with research. Amount allotted to research is excessive. 4.5 hours allowed for total research and drafting.	\$500	\$2,250
43. 07/16/16 – Larson Draft research outline for amended motion for	4.50	2.00	Excessive time allotted to research; work is redundant with Item 42.	\$500	\$1,000

sanctions (2.1); research re: sanctions hearing, inherent authority to sanction, procedural requirements for hearing, & admissibility of expert testimony (2.4)			No expert testimony given. 2 hours allowed for research and outline.		
44. 07/17/16 – Larson Revise research outline for amended sanctions motion (.7); schedule conference call re: same (.1)	0.80	0.50	Scheduling conference call is not sufficiently related. Time allotted for research outline excessive with Item 42.	\$500	\$250
45. 07/18/16 – Collins Phone conference w/opposing counsel re: stipulation proposal (.5); exchange correspondence, conference re: same (.8); review hearing transcript (.3)	1.60	1.60	Uncontested.	\$745.75	\$1193.20
46. 07/18/16 – Larson Conferences re: research for amended sanctions motion (1.4); conferences re: contact from Ribbeck re: potential settlement (1.1)	2.50	1.00	Excessive time allotted for conferences.	\$500	\$500
47. 07/18/16 – Stetsko Draft proposed agreed sanctions order	0.80	0.80	Allowed at court- approved rate.	\$500	\$400
48. 07/19/16 – Collins Revise proposed agreed order re: sanctions (.5); exchange correspondence re: same (.7)	1.20	1.00	Excessive time allotted.	\$700	\$700
49. 07/20/16 – Collins Revise proposed agreed order re: sanctions (.3); draft transmittal to Ribbeck re: same (.3)	0.60	0.30	Ribbeck does not contest claim for drafting transmittal. Revision of proposed agreed order duplicative of Item 48.	\$745.75	\$223.73
50. 07/20/16 – Larson Conferences re:	2.60	0	Conference claims are vague. Revision claim is	N/A	\$0

proposed agreed order re: sanctions (.2); conferences re: research for amended motion for sanctions (2.2); revise research outline (.2)			duplicative of Items 48 and 49.		
51. 07/21/16 – Collins Exchange correspondance re: sanctions	0.30	0.30	Uncontested.	\$745.75	\$223.73
52. 07/22/16 – Stetsko Draft amended motion for sanctions	1.00	1.00	Allowed at court-approved rate.	\$500	\$500
53. 07/25/16 – Collins Exchange correspondence re: amended sanctions motion	0	0	Withdrawn by Respondent's Counsel.	N/A	\$0
54. 07/26/16 – Larson Conferences re: amended sanctions motion (1.2); revise same (1.5)	2.70	1.00	Conferences vague; time claimed for revisions is excessive.	\$500	\$500
55. 07/26/16 – Stetsko Draft amended sanctions motion (8.5); exchange correspondence re: Cook County procedure (.2)	8.70	3.00	Reference to correspondence is vague and insufficiently related. Time claimed for drafting amended motion is duplicative of Items 52 and 54. Later entries claim several hours for revising motion. 3 hours allowed.	\$500	\$1,500
56. 07/28/16 – Collins Revise amended motion (.9); exchange correspondence, conference re: same (.5)	1.40	1.00	Conference and correspondence vague. Conferences and correspondence on revising motion also claimed in Items 53 – 55.	\$700	\$700
57. 07/29/16 – Collins Revise amended motion (.6); exchange correspondence re: same (.2)	0.80	0.60	Revisions uncontested. Correspondence claim withdrawn by Respondent's Counsel.	\$745.75	\$447.45
58. 07/29/16 – Larson Revise amended motion (4.9);	11.60	6.00	Revisions to motion for sanctions are excessive and duplicative of Items	\$500	\$3,000

conference re: same (2.1); revise affidavit in support of same (1.8); review evidence for appendix to same (1.6); review Boeing Legal revisions to amended motion (1.2)			54 – 57. Conference is vague. Revision of affidavit, review of evidence, and review of Boeing Legal revisions is excessive; 6 hours allowed for total.		
59. 07/29/16 – Stetsko Revise amended motion for sanctions	2.80	0	Excessive in light of numerous revision claims above and below.	N/A	\$0
60. 07/30/16 – Larson Revise amended motion and appendix (5.4); conference re: same (.2); draft correspondence to Boeing Legal re: same (.3)	5.90	2.00	Excessive in light of numerous revision claims above and below. Conference and correspondence are vague. 2 hours allowed for revisions.	\$500	\$1,000
61. 07/31/16 – Collins Revise amended motion (.8); exchange correspondence re: same (.3)	1.10	1.10	Allowed at court-approved rate.	\$700	\$770
62. 07/31/16 – Larson Revise amended motion (1); draft correspondence to Boeing Legal re: same (.2)	1.20	0	This court has allowed Respondent's Counsel sufficient time for revising the amended sanctions motion. Correspondence claims are vague.	N/A	\$0
63. 08/01/16 – Collins Exchange correspondence re: amended motion (.4); phone conference with Ribbeck re: same (.2)	0.60	0.20	Correspondence withdrawn by Respondent's Counsel. Phone conference uncontested.	\$745.75	\$149.15
64. 08/01/16 – Larson Revise amended motion (2.3); conference re: same (.9); phone conference w/Boeing Legal re: same (.5); revise affidavit in support of motion (.8)	4.50	0	Conferences are vague and duplicative of several above Items; excessive time for revisions and duplicative of several above Items.	N/A	\$0
65. 08/02/16 – Larson Phone conference	1.70	0	Duplicative with Item 64 and others (see Item 64).	N/A	\$0

w/Boeing Legal re: motion (.1); revise same (.3); revise affidavit (1); review exhibits (.3)					
66. 08/02/16 – Stetsko Cite check amended motion for sanctions	2.70	0	Excessive time and charge claimed for routine task.	N/A	\$0
67. 08/05/16 – Collins Prepare for & participate in hearing on amended motions for sanctions; exchange correspondence re: same	1.20	1.00	Charges excessive; motion was presented without a hearing.	\$700	\$700
68. 08/05/16 – Larson Attend hearing on amended motion (1.1); conferences re: same (.5)	1.60	1.00	See Item 67.	\$500	\$500
69. 09/12/16 – Collins Review response to sanctions motion	0.50	0.50	Uncontested.	\$745.75	\$372.88
70. 09/12/16 – Larson Conference re: response to sanctions motion	0.10	0	Vague.	N/A	\$0
71. 09/12/16 – Stetsko Review response to sanctions motion	0.70	0.50	Duplicative of Item 69.	\$500	\$250
72. 09/13/16 – Larson Conference re: schedule for reply to motion	0	0	Withdrawn by Respondent's Counsel.	N/A	\$0
73. 09/14/16 – Stetsko Draft reply brief	7.80	3.00	Excessive time claimed.	\$500	\$1,500
74. 09/15/16 – Collins Revise reply brief	0.90	0.50	Excessive time claimed.	\$700	\$350
75. 09/15/16 – Larson Review Plaintiff's response to sanctions motion (.4); conference re: same (.5)	0.90	0	Duplicative of Items 69 and 71. Conference is vague.	N/A	\$0
76. 09/15/16 – Stetsko Draft reply in support of sanctions motion	5.50	3.00	Excessive time claimed; duplicative of Item 73.	\$500	\$1,500
77. 09/16/16 – Larson Review draft of reply	0.70	0.50	Excessive time claimed.	\$500	\$250

78. 09/17/16 – Larson Revise reply (1.8); conferences re: same (.2)	2.00	1.00	Conference is vague. Excessive time claimed for revision; duplicative of Items 77, and 79–82.	\$500	\$500
79. 09/18/16 – Collins Revise reply	0.70	0.50	Excessive; duplicative of Items 77, 78, and 80–82.	\$700	\$350
80. 09/18/16 – Stetsko Revise reply	1.50	0	Duplicative of Items 77– 82.	N/A	\$0
81. 09/20/16 – Collins Revise reply (.4); exchange correspondence re: same (.3)	0.70	0.40	Conference is vague. Revision claim is uncontested.	\$745.75	\$298.30
82. 09/20/16 – Stetsko Revise reply	0.30	0	Duplicative of Items 77– 81.	N/A	\$0
83. 09/21/16 – Collins Review reply (.3); exchange correspondence re: same (.2)	0.50	0.50	Correspondence claim allowed at court- approved rate. Claim for review of reply is uncontested.	\$745.75 (.3); \$700 (.2)	\$363.73
84. 09/21/16 – Larson Revise reply (.6); draft correspondence (.3)	0.90	0	Correspondence claim is vague. Charges duplicative of Items 77– 83.	N/A	\$0
85. 09/23/16 – Larson Review Boeing Legal revisions to reply (.1); conference re: same (.1)	0	0	Withdrawn by Respondent's Counsel.	N/A	\$0
86. 09/24/16 – Stetsko Revise reply	0.70	0	Duplicative of Items 77– 85.	N/A	\$0
87. 09/26/16 – Larson Revise reply (1.1); exchange correspondence w/Boeing Legal re: same (.5)	1.60	0	Duplicative of Items 77– 86. Correspondence claim is vague.	N/A	\$0
88. 09/27/16 – Collins Revise reply	0.30	0.30	Uncontested.	\$745.75	\$223.73
89. 09/27/16 – Stetsko Revise reply	0.80	0	Duplicative of Items 77– 80.	N/A	\$0
90. 09/29/16 – Collins Prepare for sanctions hearing (.3); conference re: same (.6); conference w/Ribbeck re: hearing (.3)	1.20	1.20	Preparation for hearing and conference with Ribbeck uncontested. Initial conference allowed at court- approved rate.	\$745.75 (.6); \$700 (.3)	\$657.45
91. 09/29/16 – Larson Review briefing on	2.10	2.10	Allowed at court- approved rate.	\$500	\$1,050

motion for sanctions (.5); review exhibits cited by Ribbeck (.3); conference re: prep for hearing on sanctions motion (1.3)					
92. 09/30/16 – Collins Conference w/Ribbeck re: settlement (.4); exchange correspondence re: same (.4)	0.80	0.80	Uncontested.	\$745.75	\$596.60
93. 09/30/16 – Larson Review correspondence from Boeing Legal re: settlement offer	0.20	0.20	Uncontested.	\$593.75	\$118.75
94. 09/30/16 – Stetsko Finalize outline for sanctions hearing	1.20	0.50	Excessive time claimed for this task.	\$500	\$250
95. 10/01/16 – Collins Review talking points & briefs in preparation for sanctions argument	0.70	0.70	Uncontested.	\$745.75	\$522.03
96. 10/02/16 – Collins Prepare for sanctions argument by reviewing briefs and exhibits	1.70	1.70	Uncontested.	\$745.75	\$1262.78
97. 10/02/16 – Larson Conference re: hearing prep (.2); analyze questions from briefs on motion for sanctions (.5)	0.70	0	Duplicative of Items 95–97.	N/A	\$0
98. 10/03/16 – Collins Prepare for hearing (2.6); participate in hearing (1.5); exchange correspondence re: hearing (.1); conference re: hearing (.2)	4.40	4.30	Correspondence claim withdrawn; rest is uncontested.	\$745.75	\$3206.73
99. 10/03/16 – Larson Prepare for hearing (.7); attend hearing (2.3); conference re: same (.7); draft report of hearing (.3)	4.00	1.50	Excessive and duplicative of Item 98. Claim for drafting report is unclear. 1.5 hours allowed total regarding the sanctions hearing.	\$500	\$1,500
100. 10/10/16 – Collins Conference w/Ribbeck	0.60	0.60	Uncontested.	\$745.75	\$447.45

re: settlement proposal (.3); exchange correspondence w/client re: settlement proposal (.3)					
101. 10/10/16 – Larson Review proposed sanction settlement terms & correspondence re: same	0.20	0.20	Uncontested.	\$593.75	\$118.75
102. 10/31/16 –Larson Review correspondence re: settlement discussions	0.10	0.10	Uncontested.	\$593.75	\$59.38
103. 11/03/16 –Larson Prepare for hearing on sanctions motion	0.40	0	Excessive; duplicative of Items 104 and 105.	N/A	\$0
104. 11/04/16 –Collins Prep for & participate in hearing on contempt motion (1); review order (.3); exchange email w/client & Perkins Coie team re: order (.3)	1.60	1.60	Uncontested.	\$745.75	\$1193.20
105. 11/04/16 –Larson Prep for hearing on sanctions (.2); attend hearing (1.1); draft report re: ruling to Being Legal (.4); review memorandum opinion (1)	2.70	1.50	Excessive time claimed for tasks duplicative of Items 103 and 104.	\$500	\$1,500
106. 11/06/16 –Larson Research re: standard for fee petitions (.6); review Perkins Coie time records to prep fee petition (.2)	0.80	0.80	Uncontested.	\$593.75	\$475
107. 11/08/16 –Larson Review correspondence from Boeing Legal & underwriters re: strategy for fee petition (.5); exchange correspondence re: same (.4); review	1.10	0.20	Review of billing records uncontested. Review and exchange of correspondence is vague and excessive.	\$593.75	\$118.75

Perkins Coie billing records to prepare for fee petition (.2)					
108. 11/09/16 -Larson Conference re: redaction of Perkins Coie invoices for fee petition (.5); prepare spreadsheet of time entries (.3); exchange correspondence w/Boeing Legal re: fee petition (.3)	1.10	0.80	Conference regarding redactions is uncontested. Preparation of spreadsheet is allowed at court-approved rate. Exchange of correspondence is vague.	\$593.75 (.5); \$500 (.3)	\$446.88
109. 11/15/16 -Larson Draft fee petition (1.1); conference re: same (.1)	1.20	1.10	Time for drafting petition is uncontested. Conference is vague.	\$593.75	\$653.13
110. 11/16/16 -Larson Draft fee petition (2.7); conferences re: same (.8); draft correspondence to Boeing Legal re: same (.2)	3.70	1.50	Conference and correspondence vague. Excessive time claimed for drafting fee petition. 1.5 hours allowed for petition.	\$500	\$1,500
111. 11/21/16 -Larson Revise fee petition (.3); draft affidavits in support (2); conference re: redaction of Perkins invoices (.2); redact invoices (.2); draft report to Boeing Legal re: same (.2)	2.90	2.50	Conference and drafting report are vague. Rest is uncontested.	\$593.75	\$1484.38
112. 11/22/16 -Cowell Prep invoices & time details for fee petition	1.30	1.30	Stipulated at hearing.	\$745.75	\$969.48
113. 11/22/16 -Larson Prepare petition for attorneys' fees (1.4); exchange correspondence w/Boeing Legal & Boeing Risk Management re: same (.9); revise affidavits (.9); redact invoices (.5)	3.70	1.90	.9 hours for revising affidavits uncontested. Time for redacting invoices excessive and duplicative of Item 111. Preparation of fee petition duplicative of Items 110 and 111. Correspondence claim is vague. Additional 1 hour allowed for claims regarding this fee petition, at court-	\$593.75 (.9); \$500 (1)	\$1034.38

			approved rate.		
114. 11/23/16 –Larson Exchange correspondence w/Boeing Legal & Boeing Risk re: fee petition (.2); conference re: same (.2); revise fee petition (.2)	0.60	0.60	Uncontested.	\$593.75	\$356.25
115. 11/23/16 -Stetsko Prepare & file fee petition	0.50	0.20	Excessive.	\$500	\$100
116. 11/24/16 –Larson Coordinate delivery of fee petition to Ribbeck	0.20	0	Not a valid item for attorney's fees.	N/A	\$0
117. 12/11/16 –Larson Review correspondence from Ribbeck re: fee petition (.1); exchange correspondence re: same (.2)	0.30	0.30	Uncontested.	\$593.75	\$178.13
118. 12/12/16 –Collins Exchange correspondence re: case status	0	0	Withdrawn by Respondent's Counsel.	N/A	\$0
119. 12/12/16 –Larson Exchange correspondence re: redactions in fee petition exhibits (.6); review exhibits re: same (.3); conference re: same (.1); conference re: upcoming deadlines & pleading status (.3)	1.30	0.30	Conferences and correspondences are vague and excessive for the work alleged. .3 hours for review of exhibits uncontested.	\$593.75	\$178.13
120. 12/19/16 –Collins Participate in phone conference re: hearing on fee petition	0.50	0	Vague; unclear what work was involved and its complexity.	N/A	\$0
121. 12/19/16 –Larson Review response to fee petition & motion to strike fee petition exhibits (1.1); summarize same (1.5); research re: same (1.9); conference re: strategy	5.10	3.60	All but summarizing is uncontested. Summarizing is excessive for the fee claimed and insufficiently differentiated from work done reviewing response.	\$593.75	\$2137.50

for status hearing (.6)					
122. 12/19/16–Stetsko Review response to fee petition (.2); prepare strategy for hearing on fee petition (.9)	1.10	0.30	Preparation is duplicative of Larson and Collins' work on the same matter (see Items 121, 123). .3 hours allowed.	\$500	\$150
123. 12/19/16 –Collins Prepare for & participate in status hearing	1.50	0	Duplicative of work done in Items 121, 122.	N/A	\$0
124. 12/20/16 –Larson Prep for & attend status hearing on fee petition & motion to strike (2.6); draft report to Boeing Legal re: same (.5); review document requests re: fee petition (.7); prepare strategy for supplementation of fee petition (.6)	4.40	2.70	Excessive time claimed for status hearing; excessive charge for difficulty of work involved and duplicative of Item 123. Preparing strategy claim is vague. 1.5 hours allowed for status hearing and strategy. Charges for drafting report and reviewing document requests are uncontested.	\$593.75 (1.2); \$500 (1.5)	\$1462.50
125. 12/20/16–Stetsko Prepare for fee petition hearing (.4); prepare strategy re: same (.2)	0.60	0	Multiple lawyers, duplicative of Items 122–124.	N/A	\$0
126. 12/21/16 –Larson Exchange correspondence with court reporter	0.30	0	Excessive for complexity of work involved. Insufficiently related.	N/A	\$0
127. 12/29/16 –Larson Exchange correspondence with court reporter (.4); review transcript of hearing (.2); review Perkins Coie invoices for redaction (.1)	0.70	0.30	See Item 126 regarding court reporter. Remaining charges uncontested.	\$593.75	\$178.13
128. 01/04/17 –Larson Review redacted time sheets (.2); exchange email re: same (.2); review new appellate decision re: attorney fees (.1); draft	0.60	0.60	Uncontested.	\$593.75	\$356.25

correspondence to Boeing Legal re: time sheets (.1)					
129. 01/05/17 –Larson Phone conference w/chair of collections committee re: fee & billing affidavits (.2); analyze proper affiant (.1)	0.30	0.30	Allowed at court-approved rate.	\$500	\$150
130. 01/06/17 –Larson Research re: appropriate business records affiant (.6); phone conference w/collections supervisor & billing supervisor re: same (.3); phone conference w/billing supervisor re: background & content of affidavit (.6)	1.50	0.50	Excessive time and amount claimed for complexity of work involved; similar to Item 129 but claims far more time.	\$500	\$250
131. 01/09/17 –Larson Outline affidavit of billing supervisor	0.70	0	Excessive charge for complexity of work involved; time for affidavit allowed below.	N/A	\$0
132. 01/10/17 –Larson Draft affidavit of Billing Supervisor (.2); revise same (.5); correspond w/chief practice management officer re: market rate data (.2); analyze same (.6); conference re: same (.2)	1.70	1.30	Conference and correspondence are vague; unclear if duplicative with analysis. Drafting affidavit, revising, analyzing data are all uncontested.	\$593.75	\$771.88
133. 01/12/17 –Cowell Prepare Perkins Coie invoice for court filing	0.50	0	Stipulated at hearing.	\$114	\$57
134. 01/12/17 –Larson Review fourth quarter invoices for redaction (.8); conference w/paralegal re: same (.1); assemble time sheets (.2); review & redact additional time sheets (.7)	1.80	0.50	Conference with paralegal and assembling timesheets are excessive charges for complexity of work involved. Review invoices and timesheets is excessive; half an hour allowed.	\$500	\$250

135. 01/13/17 –Larson Draft supplemental fee petition (.8); draft correspondence to Boeing Legal & Boeing Risk Management re: same (.6)	1.40	1.40	Uncontested.	\$593.75	\$831.25
---	------	------	--------------	----------	----------

TOTAL ATTORNEYS FEES: \$75,110.25

After reviewing the evidence and analyzing the petitions on a line-by-line basis, this court rejects the amount of \$150,838.48 that Respondent's Counsel seeks in total fees and costs and awards \$75,110.25 as reasonable fees and costs incurred due to Ribbeck Law's misconduct. Of the work that this court did not find compensable, much of it was due to the duplicative nature of multiple lawyers, including multiple partners, working on the same matter without sufficient indication that the work claimed was not redundant. Another major reason was the lack of information about, in particular, the content of conferences and correspondences. Without this information, this court cannot know if the conferences are sufficiently related to the sanctionable conduct or if they involve sufficiently complex work for the rate alleged. Several charges were also either uncontested by Ribbeck, stipulated to by Ribbeck at the hearing, or withdrawn by Perkins Coie, and that is reflected in the court's findings as well. Where Ribbeck did not object to the amount claimed, the court left in place the rates provided by Perkins Coie.

It is the movant's burden to show that each alleged charge in its petition meets the requirements of reasonableness and relatedness to the sanctioned conduct. A party petitioning the court for attorney's fees and costs must provide

sufficient detail regarding the claimed expenses in order for the court to determine whether the time and amounts alleged can reasonably be recovered. Based on the itemized petition submitted by Perkins Coie, as well as the testimony this court heard at the hearing on the fee petition, this court awards Respondent's Counsel \$75,110.25 in attorney's fees and costs pursuant to Illinois Supreme Court Rule 219(c).

ENTERED:

Judge
William E. Gomolinski

APR 25 2017

Judge William E. Gomolinski
Circuit Court - 1973